

*City of Bainbridge Island*  
**PLANNING & COMMUNITY DEVELOPMENT**



## **MEMORANDUM**

TO: Planning Commission

FROM: Jennifer Sutton, AICP  
Special Project Planner

DATE: March 27, 2014

RE: Study Session on Zoning Regulations for Commercial Parking Lots

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### **Purpose**

This is the first meeting where the Planning Commission will begin to review existing regulations for commercial parking in the Mixed Use Town Center area, and determine if any changes should be made. There are different categories for commercial parking as a primary use in the downtown area, with varying regulations in the Bainbridge Island Municipal Code (Attachment A); those categories are:

- Commercial Parking, Surface
- Commercial Parking, Structure
- Ferry Commuter Parking (temporary & permanent)
- Non-commuter ferry parking (temporary & permanent)
- Temporary Contractor Parking
- Temporary Parking for Commercial Business (newly adopted, Ord. 2014-08, Att. B)

Relevant portions of BIMC Sections 18.09.030 *Use Specific Standards*, and 18.36.030 *Definitions* (Attachment C) and BIMC Section 18.15.020 *Parking and Loading* (Attachment D) are included in order to get a full picture of how the City currently regulates commercial parking downtown. In February, the City adopted 6 month interim regulations (Ord. 2014-08, Att. B) that created a new category of commercial parking- Temporary Parking for Commercial Business. At a minimum, the City should consider combining that new type of temporary parking with the existing temporary contractor parking use.

### **Background**

Several recent downtown construction projects have put pressure on parking spaces that serve existing businesses. The City's parking regulations establish requirements for the number, location, configuration and design standards of parking spaces associated with new development and redevelopment. These parking requirements are then applied through the land use permitting process. In general, parking is provided on-site, either in a parking lot or parking structure, although in some circumstances the Municipal Code does provide for some off-site parking in the downtown districts.

The Municipal Code also provides for “commercial parking” as a primary use, which is defined as “...the ownership, lease, operation, or management of a commercial surface parking lot in which fees are charged” (Attachment C). Regulations for surface commercial parking lots are quite restrictive (Attachments A, C, & D), specifying that:

- Lots may be located only in the downtown Core, Gateway and Ferry Terminal Districts;
- Lots must be located on parcels within 200 feet of Winslow Way or lower Madison, south of Wyatt;
- Lots may not have more than 30 parking spaces;
- Lots may not be located next to other commercial parking lots;
- Lots may not be used by ferry commuters; and
- Lots must comply with parking lot landscaping requirements.
- Applications are reviewed under the Site Plan and Design review process.

To date, no commercial parking lots have been created under these provisions.

#### **Draft Ordinance No. 2014-08, Establishing Interim Zoning Regulations for Temporary Lots**

In the past several months, the City has identified two scenarios in which additional commercial parking is needed in the downtown on a temporary basis. The first scenario is when an established business expands and adds additional employees, and is no longer able to meet its parking needs with the number of on-site spaces established by the original development application. The long-term solution may be to relocate the business to a larger facility where more parking is available. However, there are few short-term solutions available to the business owner, because there are limited on-street parking options, limited transit options and no commercial parking lots downtown (that are not associated with a development or the ferry terminal).

The second scenario is when an established business goes through a large remodel process and a portion of the existing on-site spaces used by customers or employees are temporarily displaced. Both scenarios may jeopardize the health of the business and contribute to downtown parking problems.

Upon consultation with the City Administration, staff is recommending that the City review and revise its current downtown commercial parking regulations. In the meantime, the Council adopted Ordinance 2014-08, establishing interim regulations to provide a “relief valve” to allow for temporary commercial parking lots (Attachment B). Key elements of the new ordinance include:

- Temporary commercial parking lots would be created for a period of up to 18 months, with the option for a 180-day extension;
- Temporary lots would be permitted in all of the downtown commercial districts;
- Temporary lots would be allowed a maximum of 50 parking spaces, which would be required to meet the dimensional requirements in the code. Up to 50% of the spaces may be provided for compact cars (the current standard for parking lots is 30%)
- Temporary lots would be exempt from parking lot landscaping requirements that are applicable to permanent lots;
- Temporary lots would be exempt from setback requirements that are applicable to permanent lots;
- New temporary lots would be required to meet Surface and Stormwater Management Requirements.
- Temporary lots would not be available to ferry commuters;

- Temporary lots would be processed as an administrative approval under BIMC Title 2. The City has developed an application and fee for reviewing these temporary lot proposals.

### **Temporary Storage of Construction Equipment and Containers**

Additionally, the City Council is beginning review of another interim ordinance, amending interim Ordinance 2014-08 to include provisions to allow portions of temporary parking lots to be used for storage of construction equipment or containers (Attachment E). Current “temporary container storage” provisions (see Attachments A & C) only allow for temporary storage related to construction to be on-site- the property where the development is occurring. In the more densely developed downtown area, there is often not room on the subject property for storage during construction. The City should consider modifying the permanent regulations related to temporary construction storage so that they will work for downtown development and redevelopment.

### **Attachments**

- A. BIMC Section 18.09.020 *Use Table* (Excerpt of Commercial Parking Related Uses Only)
- B. Ordinance 2014-08
- C. BIMC Sections 18.09.030 *Use Specific Standards* & 18.36.030 *Definitions* (Excerpt of Commercial Parking Related Uses Only)
- D. BIMC Section 18.15.020 *Parking and Loading* (Excerpt of Commercial Parking Related Uses Only)
- E. DRAFT Ordinance 2014-XX related to temporary construction storage.

**Table 18.09.020 Use Table**

“P” = Permitted Use

“A” = Accessory Use

“C” = Conditional Use

Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

Blank = Prohibited Use

“CA” = Conditional Accessory Use

“T” = Temporary Use

ZONING DISTRICT  USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
PRINCIPAL USES																				
PRIVATE MOTOR VEHICLE RELATED																				
Note: Private Motor Vehicle Related uses may be subject to additional requirements in BIMC 16.12.270 Transportation facilities																				
Commercial Parking Structure												C								
Commercial Parking, Surface												P			P					E-2
Ferry Commuter Parking												P			P	P				E-3
Non-commuter Ferry Parking															C					E-5
TEMPORARY USES																				
Temporary Construction Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1
Temporary Container Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2
Temporary Contractor Parking												T	T	T	T	T				J-3
Temporary Ferry Commuter Parking												T			T	T				J-5
Temporary Non-Commuter Parking																T				J-6
[1] In the Ferry Terminal District, all development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space. Development south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue.																				

## **ORDINANCE NO. 2014-08**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, adopting interim zoning regulations governing temporary parking for commercial businesses, other than ferry commuter parking and noncommuter ferry parking; adopting findings in support of such regulations; providing for the interim regulations to remain in effect for a period of six months, unless permanent regulations are adopted sooner or unless the interim regulations are extended; declaring an emergency and establishing an immediate effective date.

**WHEREAS**, the City of Bainbridge Island's current parking regulations for commercial businesses, found in Chapter 18.15 BIMC, contain restrictions regarding the location, size, and design of such parking lots which are prohibitive of businesses constructing or using existing parking lots to satisfy temporary parking needs; and

**WHEREAS**, local businesses have expressed a need for temporary commercial business parking lots to serve both customers and employees where the business is either remodeling or undertaking a construction project that impacts the available parking and where the business has outgrown its original parking accommodations and is in the process of seeking a permanent solution; and

**WHEREAS**, the City Council desires to provide flexibility in accommodating commercial parking needs for businesses in these limited circumstances; and

**WHEREAS**, there are businesses within the City with a current need to procure temporary parking lots to accommodate customers and/or employees due to the circumstances described above; and

**WHEREAS**, unless the City acts immediately to address temporary commercial parking needs, businesses within the City may suffer and ultimately choose to locate their business elsewhere while the City endeavors to prepare permanent parking regulations providing for temporary parking uses; and

**WHEREAS**, Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390 authorize the City to adopt interim land use regulations and official controls, and the Bainbridge Island City Council deems it to be in the public interest to adopt the regulations and prohibitions set forth in this Ordinance under this authority; and

**WHEREAS**, a public hearing on the regulations set forth in this Ordinance is scheduled for February 12, 2014, and;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Adoption of Findings.** The recitals set forth above are hereby adopted as the City Council's findings in support of the interim zoning regulations adopted by this Ordinance.

**Section 2. Temporary Parking for Commercial Businesses Other than Ferry Commuter Parking and Noncommuter Ferry Parking.** A new Subsection K is hereby added to BIMC 18.15.020 as follows:

K. Temporary Parking for Commercial Businesses, Other than Ferry Commuter Parking and Noncommuter Ferry Parking. Temporary surface parking lots for commercial businesses may be developed for use by the general public and/or employees in the Core, Gateway, Ericksen, Ferry Terminal, and Madison (Mixed Use Town Center) districts and High School Road Zone I and High School Road Zone II districts under the following conditions and circumstances:

1. Anticipated construction activities related to a land use application for property located in one of the districts listed in this subsection will reduce availability of existing parking spaces for employees and/or the general public; or the parking needs of the commercial business have increased and, having outgrown its original parking accommodations, the commercial business is in the process of seeking a permanent solution.
2. An application for temporary commercial business parking is submitted in accordance with the provisions of this subsection. The application shall be exempt from site plan and design review pursuant to BIMC 2.16.040. The application shall be processed as an administrative approval under BIMC Title 2.
3. Approval of the temporary commercial business parking lot shall expire upon completion of the specified project or within eighteen months of the lot's permit approval, whichever comes first.
4. Temporary commercial business parking lots shall be exempt from the requirements of subsection C.2.c of this section.
5. Temporary commercial business parking lots shall not exceed 50 spaces.
6. Temporary commercial business parking lots shall comply with the design and construction requirements of this chapter, except that:
  - a. Small car spaces may total no more than 50 percent of the number of spaces;
  - b. Temporary commercial business parking lots shall be exempt from the landscaping requirements of subsection J.3.a of this section and BIMC 18.15.010;

- c. Temporary commercial business parking lots shall be exempt from the requirements of BIMC 18.15.030;
  - d. Temporary commercial business parking lots may be surfaced with gravel; provided, that all drainage requirements are met; and
  - e. Temporary commercial business parking lots shall be exempt from the requirements of subsection D.5 of this section (setbacks).
7. A temporary commercial business parking lot shall meet the requirements of Chapter 15.20 BIMC (Surface and Storm Water Management), except that any existing parking lot being used as a temporary commercial business parking lot shall not be required to be improved to meet current standards.
8. As a condition of application approval, the commercial business shall include a plan for prohibiting parking for ferry commuter and noncommuter use and shall demonstrate how restriction of spaces for general public/customer and/or employee use will be enforced. Failure to enforce shall subject the owner to the provisions of Chapter 1.26 BIMC.
9. Except as specified below, all temporary commercial business parking lots shall be designed to retain all significant trees, as defined in Chapter 18.36 BIMC, except when removal of hazardous trees is permitted pursuant to BIMC 16.20.040. For those significant trees impacted by construction activity within their driplines, the applicant shall submit a retention plan prepared by a certified arborist addressing the impact of construction activity to the trees and the likelihood for five-year survivability.
10. The department may grant one extension of a permit authorizing temporary commercial business parking for a period not to exceed 180 days if:
- a. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;
  - b. Termination of the permit would result in an unreasonable hardship to the applicant, and the applicant is not responsible for the delay in securing permanent parking spaces;
  - c. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and

d. The temporary parking shall be removed within 10 days after the permit expires.

**Section 3. Effective Period for Interim Zoning Regulations.** The interim zoning regulations set forth in this Ordinance shall be in effect for six months from the date this ordinance is enacted and shall thereafter automatically expire, unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220, or unless permanent zoning regulations are adopted sooner by the Bainbridge Island City Council.

**Section 4. Transmittal to Planning Commission.** This Ordinance shall be transmitted to the Bainbridge Island Planning Commission for its consideration and recommendation concerning permanent zoning regulations governing temporary commercial business parking. The Planning Commission is requested to complete its review, including the holding of a public hearing on permanent zoning regulations and the transmittal of its recommendation to the City Council, in time for the Council to deliberate and take action before the interim regulations expire.


**Section 5. Transmittal to Department of Commerce.** Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

**Section 6. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality does not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 7. Declaration of Emergency - Immediate Effective Date.** For the reasons set forth in the recitals of this Ordinance, the City Council hereby finds and declares that an emergency exists which necessitates that this Ordinance become effective immediately in order to preserve the public health, safety, and welfare. This Ordinance shall become effective immediately upon passage. The Bainbridge Island City Clerk is directed to publish a summary of this Ordinance at the earliest possible publication date.

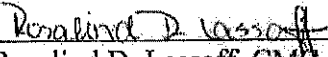
PASSED BY THE CITY COUNCIL this 19<sup>th</sup> day of February, 2014.

APPROVED BY THE MAYOR this 19<sup>th</sup> day of February, 2014.

  
Anne S. Blair, Mayor



ATTEST/AUTHENTICATE:

  
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Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	January 17, 2014
PASSED BY THE CITY COUNCIL:	February 19, 2014
PUBLISHED:	February 21, 2014
EFFECTIVE DATE:	February 19, 2014
ORDINANCE NUMBER:	2014-08

## **BIMC 18.09.030 Use Specific Standards**

### **E. Private Motor and Vehicle Related**

#### **2. Commercial Parking, Surface**

- a. Commercial Parking is subject to the parking standards in BIMC 18.15.020.G.

#### **3. Ferry Commuter Parking**

- a. Ferry Commuter Parking is limited to the 1,201 commuter parking spaces in the Gateway, Ferry Terminal overlay and Central Core districts, as shown in Figure 6.2 and table 6-3 of the Winslow Master Plan. The rights to these spaces may be bought, sold, traded, leased or otherwise exchanged between the properties.
- b. Temporary Ferry Commuter Parking is subject to the parking standards in BIMC18.15.020.F.

#### **5. Non-commuter Ferry Parking**

Permanent Non-commuter Ferry Parking is permitted in accordance with the parking regulations set forth in BIMC18.15.020.E.1.

### **J. Temporary Uses**

#### **1. Temporary Construction Building**

- a. Temporary Construction Buildings may not be erected or moved on a site before a building permit for the primary building has been issued, and must be removed no later than 30 days after a certificate of occupancy for the primary building has been issued.
- b. A building permit for the primary building must be issued and valid;
- c. The temporary structure, manufactured home or recreational vehicle must not be permanently affixed to the lot;
- d. Potable water and sanitation facilities must be available on the site;
- e. Approval from the department must be obtained in writing authorizing such construction living quarters; provided, that approval shall be granted for one year, which may be extended for a six month period if substantial progress is made on the construction of the principal building; and
- f. The temporary construction building must meet setback requirements for the zone in which it is situated.
- g. All requirements set forth in BIMC 16.12 and 16.20 must also be met.

#### **2. Temporary Container Storage**

- a. Temporary Container Storage units may be placed on or at a property for a period not to exceed thirty (30) calendar days in a single calendar year, with one portable storage unit allowed at a site at a time. There are two allowances per calendar year.
- b. Temporary Container Storage Units shall be placed in the driveway or other paved surface. The unit shall not be placed within any public right-of-way including sidewalks. The unit shall not be placed within a required setback area. At the discretion of the City, the unit may be placed in an alternative location, provided that the alternative location does not create an unsafe condition.

#### **3. Temporary Contractor Parking**

Temporary contractor parking lots shall comply with the provisions of BIMC 18.15.020.I.

#### **5. Temporary Ferry Commuter Parking**

Temporary ferry commuter parking lots shall comply with the provisions of BIMC 18.15.020.F.

#### **6. Temporary Non-Commuter Parking**

Temporary non-commuter ferry parking is permitted only with a Conditional Use Permit pursuant to BIMC 2.16.040, and is subject to the parking standards in BIMC 18.15.020.E.2.

**BIMC 18.36.030 Definitions**

53. "Commercial parking, surface" means the ownership, lease, operation, or management of a commercial surface parking lot in which fees are charged.

54. "Commercial parking, structure" means the ownership, lease, operation, or management of an above-ground or below-ground commercial parking structure in which fees are charged.

161. "Non-commuter ferry parking" means parking in the ferry terminal overlay district, intended for ferry passengers traveling occasionally for purposes other than commute to employment (for example, traveling after 9:00 a.m. or requiring parking at the ferry terminal for less than eight hours).

185. "Parking lot" means an area intended to accommodate parked vehicles for a fee or not accessory to single-family residences.

235. "Structured parking" means a covered structure or portion of a covered structure that provides parking area for motor vehicles. Structured parking may be below grade.

238. "Temporary Construction Building" means a temporary trailer or structure used as a construction shed or tool house for contractors and construction workers on the site of the construction. This includes construction living quarters, which is a manufactured home or recreational vehicle for use by an owner or builder during construction of a dwelling unit on the site of construction.

239. "Temporary Container Storage" means transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

240 "Temporary Contractor Parking Lot" means a lot established to accommodate parking of vehicles for construction-related workers or for business employees displaced by on-site construction activities.

## **BIMC 18.15.020 Parking & Loading: *Commercial Parking Regulations***

### **E. Non-commuter Ferry Parking**

Non-commuter ferry parking is permitted in the ferry terminal district as provided below.

#### **1. Permanent Non-commuter Parking Spaces**

Permanent non-commuter parking spaces may be developed in under-building or below grade parking in the ferry terminal overlay district, providing:

- a. For each existing surface ferry parking space that is moved under-building or below grade, one non-commuter additional parking space may be developed under-building or below grade.
- b. The total number of commuter additional parking spaces may not increase the total parking inventory of 1,121 spaces. Non-commuter parking spaces may not exceed 353 spaces. No property owner of an existing surface parking lot may increase the total number of spaces on that property by more than 225 spaces.
- c. These non-commuter additional parking spaces are only for use by non-commuter ferry passengers.
- d. No grade level, under-building parking shall be adjacent to Winslow Way. Ingress and egress to the parking shall be allowed from Winslow Way.
- e. Any level of parking contained within or under the structure that is visible from a public street shall be fully screened. Means of screening can include another use, landscaping that provides a vertical screen, street trees or other vegetation.
- f. In addition to the screening required in subsection 1.e of this section, the street facade of the parking structure shall be enhanced by architectural detailing, art work (such as a mosaic, mural, decorative masonry pattern, sculpture, relief) or similar visual interest features.
- g. A plan to mitigate visual impact of the parking structure, including the proposed landscaping and street facade treatment, shall be required as a condition of development application approval.
- h. As a condition of development application approval, the property owner shall include a plan for designating parking for only non-commuter use and shall demonstrate how restriction of spaces for non-commuter parking will be enforced. Failure to enforce shall subject the owner to the provisions of BIMC 1.26.

#### **2. Temporary Non-commuter Ferry Parking**

Temporary non-commuter ferry parking spaces may be developed as surface parking in the ferry terminal overlay district under the following conditions:

- a. The property owner shall submit an application for approval for the construction of permanent non-commuter ferry parking spaces under subsection E.1.
- b. The property owner shall apply for and obtain a conditional use permit authorizing the use of the property for temporary non-commuter ferry parking. Such applications shall be processed as a minor conditional use under BIMC Title 2.
- c. Temporary non-commuter parking lots shall comply with the design and construction requirements of this chapter, except that:
  - i. Temporary parking lots and associated driveways may be gravel; provided that all drainage requirements are met;
  - ii. Temporary parking lots shall be exempt from the requirements of BIMC 18.15.030.A.2;
  - iii. Temporary parking lots shall be exempt from the requirements of BIMC 18.15.030.A.4. Internal walkways may be surfaced with gravel, except that walkways providing access to handicapped spaces shall meet accessibility requirements; and
  - iv. Temporary parking lots are exempt from the landscaping requirements of BIMC 18.15.020.J.3.a and the screening requirements of BIMC 18.15.020.J.3.b.
- d. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, a conditional use permit authorizing temporary non-commuter ferry parking spaces shall automatically expire 180 days after the date that the permit is issued. The temporary non-commuter parking shall be removed within 10 days after the permit expires.
- e. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, the department may grant one extension of a conditional use permit authorizing temporary non-commuter ferry parking spaces for a period not to exceed 180 days if:
  - i. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;
  - ii. Termination of the permit would result in an unreasonable hardship to the applicant, and the applicant is not responsible for the delay in obtaining the approval of the permanent non-commuter ferry parking spaces;
  - iii. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and
  - iv. The temporary non-commuter parking shall be removed within 10 days after the permit expires. (Ord. 2000-10 § 2, 2000: Ord. 99-64 § 9, 1999)

## **F. Temporary Ferry Commuter Parking**

Temporary ferry commuter parking spaces may be developed as surface parking in the Winslow Mixed Use Central Core, Gateway, or Ferry Terminal Overlay districts under the following conditions:

1. An application has been submitted to redevelop a property on which existing ferry commuter parking is located, as shown on Figure 6.2 of the Winslow Master Plan, and this redevelopment will require the temporary displacement of existing ferry commuter parking spaces.
2. The property owner shall apply for and obtain a conditional use permit authorizing the use of the property for temporary ferry commuter parking. Such applications shall be processed as an administrative conditional use under BIMC Title 2.
3. The property owner shall comply with the requirements of BIMC 18.15.020.E.2.C.
4. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, a conditional use permit authorizing temporary ferry commuter parking spaces shall automatically expire one year from the date that the permit is issued. The temporary ferry parking shall be removed within 10 days after the permit expires.
5. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, the department may grant one extension of a conditional use permit authorizing temporary ferry commuter parking spaces for a period to be determined by the director; provided, that: (i) a request for an extension is received by the department no later than 30 days prior to the expiration of the permit; (ii) termination of the permit would result in an unreasonable hardship to the applicant; (iii) an extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and (iv) the temporary ferry commuter parking shall be removed within 10 days after the permit expires. (Ord. 2000-10 § 3, 2000)

## **G. Commercial Parking or Commercial Parking Businesses, Other than Ferry Commuter Parking and Non-commuter Ferry Parking**

Commercial parking may be developed for general public use at no fee, or as a commercial parking business. Commercial parking businesses must comply with provisions of BIMC 5.10.

### **1. Surface Parking Lots**

Surface parking lots for commercial parking only, developed by public or private concerns, or developed by a public or cooperative commercial effort shall be treated as “Special Cases” under Table 18.15.020-2 and are permitted in the core, gateway, and ferry terminal districts, providing:

- a. Parking lots shall be sited on parcels within 200 feet of Winslow Way or lower Madison (south of Wyatt).
- b. Parking lots shall not be sited adjacent to a parcel containing a parking lot or structure in which parking is the primary use.
- c. Parking lots shall not exceed 30 spaces.
- d. As a condition of development application approval, the property owner shall include a plan for designating parking for only non-commuter use and shall demonstrate how restriction of spaces for non-commuter parking will be enforced. Failure to enforce shall subject the owner to the provisions of BIMC 1.26.

## **2. Structured Parking**

Structured parking for commercial parking only, developed by public or private concerns, or developed by a public or cooperative commercial effort as provided for as a “Special Case” in Table 18.15.020-2 shall require a Conditional Use Permit in the core district west of SR 305, providing:

- a. Structures shall not be sited adjacent to a parcel containing a parking lot or structure in which parking is the primary use.
- b. As a condition of development application approval, the property owner shall include a plan for designating parking for only non-commuter use and shall demonstrate how restriction of spaces for non-commuter parking will be enforced. Failure to enforce shall subject the owner to the provisions of BIMC 1.26.
- c. Any level of parking contained within or under the structure that is visible from a public street shall be fully screened. Means of screening can include landscaping that provides a vertical screen; a facade that incorporates artwork (such as a mosaic, mural, decorative masonry pattern, sculpture, relief) over a substantial portion of the facade; or trees and other vegetation.
- d. A plan to mitigate visual impact of the parking structure, including the proposed landscaping and/or artwork, shall be required as a condition of development application approval.

**ORDINANCE NO. 2014-\_\_**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, amending Ordinance 2014-08, which adopted interim zoning regulations governing temporary parking for commercial businesses, other than ferry commuter parking and noncommuter ferry parking; adopting findings in support of such amendments; providing for the interim regulations to remain in effect for a period of six months from the date Ordinance 2014-08 was adopted, unless permanent regulations are adopted sooner or unless the interim regulations are extended; declaring an emergency and establishing an immediate effective date.

**WHEREAS**, the City Council of the City of Bainbridge Island previously adopted Ordinance 2014-08, which established interim zoning regulations governing temporary parking for commercial businesses, other than ferry commuter parking and noncommuter ferry parking, in the Core, Gateway, Ericksen, Ferry Terminal, and Madison (Mixed Use Town Center) districts and High School Road Zones I and II; and

**WHEREAS**, Ordinance 2014-08 allows commercial businesses in the above-mentioned zoning districts to create temporary surface parking lots for use by employees and/or the general public where anticipated construction activities would reduce the availability of existing parking spaces or the business, having outgrown its original parking accommodations, is in the process of seeking a permanent solution; and

**WHEREAS**, the City Council understands that businesses needing to take advantage of the interim temporary parking regulations due to construction activities will also likely need to store construction-related equipment, materials, and supplies to support the construction activities; and

**WHEREAS**, current regulations relating to temporary storage containers, found in BIMC 18.09.030.J.2, contain restrictions regarding the number containers, length of time in which they may be placed at a property, and the location on a property upon which they may be placed which are prohibitive of commercial businesses using storage containers for purposes of temporary construction storage; and

**WHEREAS**, local businesses have expressed a need for temporary construction storage where the business is either remodeling or undertaking a construction project; and

**WHEREAS**, the City Council desires to provide flexibility in accommodating construction storage needs for businesses in these limited circumstances; and

**WHEREAS**, there is at least one commercial business within the Mixed Use Town Center zone with a current need to store construction-related equipment, materials, and supplies due to the circumstances described above; and

**WHEREAS**, unless the City acts immediately to address temporary construction storage needs, businesses within the City may suffer while the City endeavors to prepare permanent parking



regulations providing for temporary parking uses and permanent construction storage regulations; and

**WHEREAS**, Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390 authorize the City to adopt interim land use regulations and official controls, and the Bainbridge Island City Council deems it to be in the public interest to adopt the regulations and prohibitions set forth in this Ordinance under this authority; and

**WHEREAS**, a public hearing shall be held within sixty days of the adoption of the regulations set forth in this Ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1. Adoption of Findings.** The recitals set forth above are hereby adopted as the City Council's findings in support of the interim zoning regulations adopted by this Ordinance.

**Section 2. Amended.** BIMC 18.15.020(K), as adopted in Ordinance 2014-08, is hereby amended as follows:

K. Temporary Parking for Commercial Businesses, Other than Ferry Commuter Parking and Noncommuter Ferry Parking. Temporary surface parking lots for commercial businesses may be developed for use by the general public and/or employees in the Core, Gateway, Ericksen, Ferry Terminal, and Madison (Mixed Use Town Center) districts and High School Road Zone I and High School Road Zone II districts under the following conditions and circumstances:

1. Anticipated construction activities related to a land use application for property located in one of the districts listed in this subsection will reduce availability of existing parking spaces for employees and/or the general public; or the parking needs of the commercial business have increased and, having outgrown its original parking accommodations, the commercial business is in the process of seeking a permanent solution.
2. An application for temporary commercial business parking is submitted in accordance with the provisions of this subsection. The application shall be exempt from site plan and design review pursuant to BIMC 2.16.040. The application shall be processed as an administrative approval under BIMC Title 2.
3. Approval of the temporary commercial business parking lot shall expire upon completion of the specified project or within eighteen months of the lot's permit approval, whichever comes first.
4. Temporary commercial business parking lots shall be exempt from the requirements of subsection C.2.c of this section.

5. Temporary commercial business parking lots shall not exceed 50 spaces.

6. Temporary commercial business parking lots shall comply with the design and construction requirements of this chapter, except that:

a. Small car spaces may total no more than 50 percent of the number of spaces;

b. Temporary commercial business parking lots shall be exempt from the landscaping requirements of subsection J.3.a of this section and BIMC 18.15.010;

c. Temporary commercial business parking lots shall be exempt from the requirements of BIMC 18.15.030;

d. Temporary commercial business parking lots may be surfaced with gravel; provided, that all drainage requirements are met; and

e. Temporary commercial business parking lots shall be exempt from the requirements of subsection D.5 of this section (setbacks).

7. A temporary commercial business parking lot shall meet the requirements of Chapter 15.20 BIMC (Surface and Storm Water Management), except that any existing parking lot being used as a temporary commercial business parking lot shall not be required to be improved to meet current standards.

8. As a condition of application approval, the commercial business shall include a plan for prohibiting parking for ferry commuter and noncommuter use and shall demonstrate how restriction of spaces for general public/customer and/or employee use will be enforced. Failure to enforce shall subject the owner to the provisions of Chapter 1.26 BIMC.

9. Except as specified below, all temporary commercial business parking lots shall be designed to retain all significant trees, as defined in Chapter 18.36 BIMC, except when removal of hazardous trees is permitted pursuant to BIMC 16.20.040. For those significant trees impacted by construction activity within their driplines, the applicant shall submit a retention plan prepared by a certified arborist addressing the impact of construction activity to the trees and the likelihood for five-year survivability.

10. A portion of a temporary commercial business parking lot developed to accommodate employees and/or the general public during construction

activities may be utilized to store or park construction-related equipment, materials, and supplies if it does not create a safety hazard for pedestrians and vehicles utilizing the parking lot. Construction-related equipment, materials, and supplies shall be stored in appropriate containers or bins to the extent feasible or on the ground in well-stacked, neat piles. The temporary construction storage containers and bins shall be exempt from the requirements of BIMC 18.09.030.J.2. Large construction equipment may be parked in parking spaces. As a condition of application approval, the commercial business planning to use a portion of the parking lot to store or park construction-related equipment, materials, and supplies must include a plan to alert employees and the general public using the parking lot to the presence of such items.

1140. The department may grant one extension of a permit authorizing temporary commercial business parking for a period not to exceed 180 days if:

- a. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;
- b. Termination of the permit would result in an unreasonable hardship to the applicant, and the applicant is not responsible for the delay in securing permanent parking spaces;
- c. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and
- d. The temporary parking shall be removed within 10 days after the permit expires.

**Section 3. Effective Period for Interim Zoning Regulations.** The interim zoning regulations set forth in this Ordinance shall be in effect for six months from the date Ordinance 2014-08 was adopted and shall thereafter automatically expire, unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220, or unless permanent zoning regulations are adopted sooner by the Bainbridge Island City Council.

**Section 4. Transmittal to Planning Commission.** This Ordinance shall be transmitted to the Bainbridge Island Planning Commission for its consideration and recommendation concerning permanent zoning regulations governing temporary construction storage. The Planning Commission is requested to complete its review, including the holding of a public hearing on permanent zoning regulations and the transmittal of its recommendation to the City Council, in time for the Council to deliberate and take action before the interim regulations expire.

**Section 5. Transmittal to Department of Commerce.** Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

**Section 6. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the invalidity or unconstitutionality does not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 7. Declaration of Emergency - Immediate Effective Date.** For the reasons set forth in the recitals of this Ordinance, the City Council hereby finds and declares that an emergency exists which necessitates that this Ordinance become effective immediately in order to preserve the public health, safety, and welfare. This Ordinance shall become effective immediately upon passage. The Bainbridge Island City Clerk is directed to publish a summary of this Ordinance at the earliest possible publication date.

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of March, 2014.

APPROVED BY THE MAYOR this \_\_\_\_\_ day of March, 2014.

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Anne Blair, Mayor

ATTEST/AUTHENTICATE:

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Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NUMBER: